

We, the undersigned registered voters of the Town of Topsfield, hereby request the Board of Selectmen place on the May 4, 2004 Annual Town Meeting warrant the following article.

“To see if the Town will vote to amend the Town Code, Topsfield General By-Laws by adding a new Chapter LII, Topsfield Flea Market By-Law as follows:

Chapter LII Topsfield Flea Market By-Law.

Section 1. Junk Dealer Licenses

- a. The Selectmen may at their discretion grant licenses to suitable persons to be collectors of, dealers in or keepers of establishments for the purchase, sale or barter of junk, old metals, or second hand articles and make rules and regulations to their business, and may provide for the supervision thereof, and may make additional rules, regulations and restrictions which shall be expressed in all licenses, all in accordance with the provisions of M.G.L. Chapter 140, Sections 54 and 55.
- b. Application for license may be made to the Board of Selectmen. The annual fee for said license is not less than one hundred (\$100.) dollars. Licenses will be in effect for one year from the date of issuance. All requirements that have been set forth must be met including full payment of the license fee prior to issuance. Licenses granted under this section may be renewed and may not be transferred.

Section 2. Flea Markets

a. Definitions.

For the purpose of this by-law, the following definitions apply:

1. Flea Market – A flea market is defined as a place, in or out-of doors, where merchants buy, sell, or barter merchandise on property for a consideration paid to the owner or operator of the property for temporary or seasonal use.
2. Owner/Operator – The individual or business in control of the flea market property.
3. Vendor – An individual merchant or business which rents space within a flea market for the purpose of displaying wares for sale.

b. License for Owners and/or Operator

Owners/operators of flea markets must hold an annual license as provided in Sections 1 and 2 of this by-law. Licensed owners/operators shall provide information to the Board of Selectmen about the number of vendors, days and dates of operation at least thirty (30) days prior to the event. This information is subject to verification by the Board of Selectmen or its appointed agent. Failure to provide correct information shall be considered a violation of this by-law.

c. Vendor Permits

Flea market owner/operators will provide each vendor who will inhabit the owner/operator's premises a permit application which shall require the following information:

1. Name of applicant.
2. Permanent address of applicant.
3. Assigned site location.
4. Type of business in operation.
5. Name of business, if any.
6. Name(s) of on-site operator(s).
7. Mass. Tax ID Number.
8. Dates the applicant will be operating at said location.
9. Any other relevant information required by the Town.

Each vendor doing business in Topsfield will be required to apply for and receive a vendor permit at least thirty (30) days prior to displaying his wares in Topsfield. Flea market owner/operators will be responsible for recording the permit number of each vendor doing business on their premises. Records of permit numbers shall be available for inspection by the Board of Selectmen or their appointed agent. The Board of Selectmen shall set the permit fee at not less than \$10 per day of operation. The permit shall be valid for the legal days of business, as noted on the issued permit.

d. The Board of Selectmen may make additional rules, regulations and restrictions which shall be expressed in all licenses.

e. The Board of Selectmen may, at their discretion, waive fees detailed in this by-law for flea markets held on the Town Common or any other Town owned property.

f. Penalties

1. For failure to pay any license fee of this by-law, or for knowingly allowing vendors without permits to display and sell wares at their flea market as defined in this by-law, a flea market owner/operator shall forfeit the right to renew the license for the ensuing year, under the

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provisions of M.G.L. 140, Sections 54 and 55 and any applicable M.G.L., by-law and/or regulation.

2. For violation of any part of this by-law, a fine not to exceed two hundred (\$200.) dollars per offense shall be imposed.